

REMARKS

The Office Action has been received and carefully considered. Claims 1-11 and 13-25 are pending in the application. Claims 1, 2, 13, 22, 23, and 25 have been amended. Claim 12 has been canceled without prejudice or disclaimer. Claim 26 has been added. No new matter has been added. Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

Interview Summary

On June 2, 2008, Examiner McCormick, Examiner Weiss and the undersigned representative, Tom Corrado, conducted an in-person examiner interview. The undersigned representative thanks the Examiners for the courtesies extended during the interview. There were no exhibits shown nor was a demonstration conducted. The Brodersen (U.S. Patent 6,850,895) reference was discussed with respect to the claims 1 and 2. No agreement was reached.

Support for Claim Amendments

Exemplary support for the claim amendments for claims 1, 22, and 25, and new claim 26, may be found, *inter alia*, in Figure 8, Figure 11, and in paragraphs [0092], [0103], [0114], [0134], [0136], [0157], and [0158] of U.S. Pub. No. 2004/0143482, the printed publication for this application. Paragraph [0092] discloses the lead credit balance. Paragraph [0103] discloses how the conversion of a sales lead and receiving a new lead changes the lead credit balance. Paragraph [0114] discloses a supervisor or manager reviewing updates to a sales lead. Paragraphs [0134], [0136], [0157], and [0158] disclose assigning leads to call centers and to agents having a lead credit balance above a minimum value.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

Claims 1, 13, 14, and 19-22 Rejected under 35 U.S.C. 102(e)

Claims 1, 13, 14, and 19-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,850,895 to Brodersen *et al.* (“Brodersen”). This rejection is traversed. Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. As stated in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Brodersen does not disclose, *inter alia*, “A computer implemented method for distributing sales leads, the method comprising: inputting a sales lead, having lead information, to a lead processing portion of a sales lead system; performing a decisioning process relating to assignment of the sales lead by the lead processing portion, the decisioning process determining a recipient of the sales lead for working the sales lead, wherein at least a call center is included in the decisioning process as a potential recipient; assigning the sales lead to a call center in the event the sales lead is tagged for processing by the call center; assigning the sales lead to a sales agent having a leads credit balance above a minimum value in the event that the sales lead is not assigned to a call center, wherein sales agents having a leads credit balance below a minimum value are removed from being considered as a potential recipient, the leads credit balance is automatically generated by the lead processing portion based on leads that an agent has converted to sales and a number of new leads that the agent has obtained, the converted leads adding to the lead credit balance and the new leads detracting from the lead credit balance; and outputting information regarding the sales lead from the lead processing portion to the assigned recipient of the sales lead for access and working of the sales lead by the recipient.” as recited in amended claim 1 of the present application. (Emphasis added).

As admitted in the non-Final Office Action for a related patent application having Serial No. 10/6502,923, “Brodersen does not disclose basing the score in part on leads converted to sales.” *March 7, 2008 Office Action*, p. 11. In that same Office Action, the Office Action asserts that U.S. Patent 7,047,206 to Schultze discloses reporting “the number of leads converted to sales, the number of leads in active use” (col. 8, line 65 - col. 9, line 1). *Id.* As discussed during the June 2, 2008, “reporting” the number of leads converted to sales and the number of leads in active use is not the same as using a leads credit balance in assigning a sales lead. Thus, for at

least these reasons the rejection of claims 1, 13, 14, and 19-22 under 35 U.S.C. 102(e) is rendered moot. In addition, based on the conversation during the June 2, 2008 Examiner Interview, the undersigned representative believes that claim 1 of the present application is patentable over the combination of Brodersen and Schultze for the reasons recited above.

Regarding claim 22, claim 22 contains similar limitations recited in claim 1, thus claim 22 is patentable over Brodersen for the same reasons recited above with respect to claim 1.

For at least these reasons, independent claims 1 and 22, as well as dependent claims 2-11, 13-21, 23, 24, and 26, respectively, are patentable over the applied art. Withdrawal of the rejection of claims 1, 13, 14, and 19-22 is requested.

Rejection of Claims 3-7 and 23 under 35 U.S.C. 103(a)

Claims 3-7 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen, in view of Business Wire, and in view of U.S. Pub. No. 2003/0028507 to Pauliks *et al.* ("Pauliks"). Since claim 3-7 and 23 are dependent on allowable independent claims 1 and 22, respectively, and since the applied art does not cure the deficiencies of Brodersen with respect to claims 1 and 22, dependent claims 3-7 and 22 are allowable for the same reasons asserted above with respect to claim 1 and 22. Therefore, the undersigned representative will not address the arguments with respect to claims 3-7 and 23 and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 3-7 and 23 is requested.

Rejection of Claims 8-11 under 35 U.S.C. 103(a)

Claims 8-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of U.S. Patent 5,390,243 to Casselman *et al.* ("Casselman"). Since claims 8-11 are dependent on allowable independent claim 1 and since Casselman does not cure the deficiencies of Brodersen with respect to claim 1, dependent claims 8-11 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 8-11, 23, and 25 is requested.

Rejection of Claims 15-18 under 35 U.S.C. 103(a)

Claims 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of U.S. Patent 6,850,895 to Melchione *et al.* ("Melchione"). Since claims 15-18 are dependent on allowable independent claim 1 and since Melchione does not cure the deficiencies of Brodersen with respect to claim 1, dependent claims 15-18 are allowable as well.

Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 15-18 is requested.

Rejection of Claims 24 and 25 under 35 U.S.C. 103(a)

Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen, in view of Business Wire, in view of Pauliks, and in further review of Casselman. Since claim 24 is dependent on allowable independent claim 22 and since the applied art does not cure the deficiencies of Brodersen with respect to claim 22, dependent claim 24 is allowable for the same reasons asserted above with respect to claim 22. Regarding claim 25, claim 25 contains similar limitations recited in claim 1, thus claim 25 is patentable over Brodersen for the same reasons recited above with respect to claim 1. In addition, since the applied art does not cure the deficiencies of Brodersen with respect to claim 1, claim 25 is patentable over the applied art as well. Therefore, the undersigned representative will not address the arguments with respect to claims 24 and 25 and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 24 and 25 is requested.

CONCLUSION

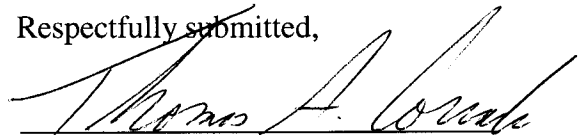
The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed March 4, 2008, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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HUNTON & WILLIAMS LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102
Phone 703-714-7400
Fax 703-714-7410

Respectfully submitted,



Thomas A. Corrado
Attorney for Applicant
Registration No. 42,439